

REMARKS

These remarks are in response to the Office Action dated June 10, 2009. Applicant requests a three-month extension of time and authorization is given to charge Deposit Account No. 50-0951 for the appropriate fees.

At the time of the Office Action, claims 1-6 and 8-12 were pending. In the Office Action, claims 1-6 and 8-12 were rejected under 35 U.S.C. §103(a). The rejection is discussed in more detail below.

I. Rejections based upon art

Claims 1-6 and 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over PCT Publication No. WO 03/095060 to Gandolfi et al. ("*Gandolfi*") in view of European Patent Publication No. 60238492 to Nagano ("*Nagano*"), and further in view of Applicant's admission. Applicant respectfully traverses the rejection and requests reconsideration of the pending claims.

With regard to the Applicant's alleged Admission, the Office Action cites to the full paragraph on page 13. Applicant believes that the Office Action should have referred to page 12, third paragraph, from line 10 to 24 of the description, which is identical to paragraph [0044] of the corresponding publication US 2007/0235171. The full paragraph on page 13 does not refer to techniques of hot drawing or welding. In the third paragraph on page 12, it is stated that hot-drawing or welding of the tube according to the invention is carried out by using *per se* known techniques. This sentence simply affirms that conventional techniques are used to perform hot drawing or welding. This sentence is thus directed to the workability of the invention, informing a person of ordinary skill in the art at the time of the invention that to obtain the tube of the invention known techniques can be used for the metallurgical bonding or the bonding through welding between the titanium substrate and the zirconium coating.

This statement does not admit that it is obvious or conventional in the art to manufacture a bimetallic tube in which a zirconium coating is bonded to a titanium substrate metallurgically or through welding. The prior art does not teach or suggest this process. To the contrary, from *Gandolfi* in view of *Nagano*, the prior art merely teaches the skilled person to produce a bimetallic tube, where the zirconium coating is loosely linked to the titanium substrate through electrolytical deposition. The product so obtained is substantially structurally distinct from the claimed apparatus and suffers from a series of drawbacks as highlighted in Applicant's previous responses. Such structural differences with

respect to the prior art are due to the fact that according to the present claims, the zirconium coating is bonded to the titanium tube in a totally different way.

Therefore, although techniques such as hot drawing or welding are known *per se*, there is no disclosure or suggestion in the prior art nor admission from the Applicant to make use of such techniques for obtaining a bimetallic tube of titanium and zirconium according to the claims and even less to replace electrolytical deposition with such techniques. In this respect, the attention of the Examiner is drawn to the fact that Applicant's alleged Admission does not constitute a suggestion or a teaching to one of ordinary skill to actuate such a replacement. The Applicant's alleged Admission does not disclose at all that it is well known to employ hot drawing and welding techniques to bond titanium and zirconium to provide a strong joint. It is not known in the field of bimetallic tubes to tightly coat with zirconium a titanium substrate in order to obtain a durable protection of the tube against corrosion even under harsh conditions.


II. Conclusion

Independent claim 1 is patentable over the cited prior art. The dependent claims are also believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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